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Anniston, Alabama
June 5, 2017

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Monday, June 5, 2017, at approximately 5:32 o'clock p.m.

Pastor Eugene Leonard, The Life Center, prayed the Invocation.

Pastor Eugene Leonard, The Life Center, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll the following Council Members were found to be present: Council Members Jenkins, Reddick, Little, Harris and Draper; absent: none. A quorum was present and the meeting opened for the transaction of business.

Kent Davis, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Jenkins made a motion to waive the reading of the minutes of May 15, 2017. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Harris made a motion to approve the minutes of May 15, 2017. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Jenkins made a motion to remove from the Consent Agenda resolutions declaring public nuisances Group 2017-01 Grass Lots and Group 2017-03 Grass and Debris and to adopt the agenda as amended. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Evelynn Bragg, 713 Jefferson Avenue, addressed the Council and stated she was concerned about the Anniston City School Technology Initiative proposed by Donald Stewart and Slappy Communications. She stated there was not an instructional plan in place for an initiative like this. She stated she would like to know if anyone else was profiting from the \$600,000 being asked of the City. She stated she was the Director of Learning Technology at Jacksonville State University. She stated that her team had done a network evaluation of Anniston City Schools and had helped the City School System with their E-Rate application for this fiscal year.

Council Member Little stated a plan was in place to properly deploy this initiative. He stated his concern was with the kids and delaying this process. He stated with the E-Rate program there

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was no guarantee they would get the money. He stated they needed to move forward with this program. He stated some of these items were contingent on what the School Board wanted to do.

Council Member Reddick stated there was a lack of communication. He stated that if JSU and Mr. Stewart were working on different plans then he could not understand that. He stated they have to do something for their kids and he was on board with this initiative. He stated they should try to come together and work for the kids. He stated he was disappointed that the school superintendent was not present at the meeting. He stated he was disappointed that they were not working together.

Council Member Harris asked what was the probability that the school would have received the E-Rate money. She asked since the application had been withdrawn what was the likelihood of E-Rate funding the Anniston City Schools in the future.

Ms. Bragg stated that it was highly likely that Anniston would have received the E-Rate money if the application process had been completed. She stated that E-Rate requires a competitive bid process. She stated ITS, a company from Wetumpka, bid on the project and placed the low bid of \$247,000 and would have upgraded the infrastructure more than adequately for the Anniston City Schools. She stated it would be hard to predict since the application had been withdrawn what was the likelihood of E-Rate funding the Anniston City Schools in the future.

Harold Ray addressed the Council and stated Monsanto money was supposed to fund this issue. He stated the school kids were still suffering.

James Montgomery addressed the Council and stated that he thought he was hearing procrastination on this initiative issue. He stated the Anniston kids were behind and they needed access to this technology at the schools. He stated the Council needed to support this initiative. He stated that each student should be prepared when they leave the Anniston school system.

Darrin Garvin, 713 Zinn Parkway Drive, addressed the Council and stated they needed to provide the kids what they needed.

Trudy Munford, 2226 McDaniel Avenue, addressed the Council and stated the E-Rate had not been applied for in two years and they had applied in 2016 and they did not know if they had qualified. She stated they did not want to punish the children for something adults had neglected to do or not do. She stated the Anniston school children were not currently reading at grade level.

Roy Bennett, 110 East 15th Street, addressed the Council concerning the ordinance to regulate the hours of sale, service and consumption of alcoholic beverages and stated he did not think this ordinance had anything to do with public safety. He stated the incident that had brought this to a head he did not think had been adequately represented. He stated he did not think the City could justify the need for this ordinance.

Heather Frost, 729 Mimosa Drive, addressed the Council and stated the ordinance to regulate the hours of sale, service and consumption of alcoholic beverages did not include private clubs. She

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stated she did not understand why these clubs were not included. She stated that The Office was being discriminated against.

Jerry Hanson, Dark Horse Saloon, addressed the Council and stated he had invested a lot of money in his bar and stated he was opposed to this ordinance. He stated this ordinance was not treating everyone equally.

Bernie Tims, owner of The Office lounge, addressed the Council and stated if the Council passed this ordinance she would fifty percent of her business and half of her employees would lose their jobs.

Laura Hutchinson, 501 Keith Avenue, addressed the Council and stated The Right Place was doing great things in Anniston and asked everyone to support them with their June 17 fund raiser.

Peggy Wigley addressed the Council and stated if the Council passed this ordinance this would hurt the business at The Office irreparably.

James Montgomery addressed the Council and stated it would be wrong to assault someone for an off color remark that was made.

Heather Frost addressed the Council and stated that the man in question had assaulted a woman by placing his genitalia on her. She stated no woman should be subjected to that.

Pastor Eugene Leonard stated that if some made an off color remark to his wife then he was going to protect her.

Minister Chris Jacobs addressed the Council and stated that the First Baptist Church of Oxford and New Hope Missionary Baptist Church were trying to get together with the City Councils and the Mayors to make a close knit family. He stated they needed to be of one accord to help the city grow and to stop the violence in the city. He stated they needed to work together.

Mayor Draper announced that was the time for the Board Confirmation Hearing for Jackson Hodges and his appointment to the Parks, Recreation and Beautification Board.

Jackson Hodges addressed the Council and stated he loved the city of Anniston and shared statistics concerning occupational taxes, poverty levels in the area and the ordinance to regulate the hours of sale, service and consumption of alcoholic beverages and crime in the city.

Glen Ray, 3514 Dale Hollow Road and local NAACP president, addressed the Council concerning tickets that citizens that residents were receiving. He gave the Council copies of a ticket that one citizen received. He stated she should not have received a DUI ticket. He stated the tickets did not add up correctly. He stated that the cost of this would be over \$4,000 to \$5,000. He stated they did not want to educate the kids but wanted to take them to court. He stated this case did not make any sense.

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Jason Odom, 110 E. 15th Street, addressed the Council and stated this case had been continued and was still to come before the municipal court.

Council Member Harris made a motion to approve the amended Consent Agenda.

Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City.

Resolution appointing a member to the Parks, Recreation and Beautification Board.

Resolution accepting donations for installation of flooring at the Longleaf Botanical Gardens.

Resolution authorizing the City Manager to enter into an Agreement to renew the Anniston/Calhoun County HOME Consortium Agreement.

Motion that the bid in the total amount of \$1.00 per bale of hay by Jim Hill for the baling of hay at the Anniston Airport be accepted.

The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Kent Davis, City Manager, reintroduced and read Ordinance Number 17-O-8 as follows:

ORDINANCE NO. 17-O-8

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE VII, SECTION 3.85 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA TO REGULATE THE HOURS OF SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. The City Council of the City of Anniston, Alabama hereby amends Section 3.85 of "The Code of the City of Anniston, Alabama, 1981" in its entirety to read as follows:

Sec. 3.85 - Hours of sale.

(1) Alcoholic beverages may be sold and served each day of the week, subject to any license requirements or regulations of the Alcoholic Beverage Control Board or applicable state law, except during the following time periods:

a. *On-premises.* It shall be unlawful for any person or establishment licensed by the Alcoholic Beverage Control Board, including, but not limited to, lounge retail liquor licensees, retail beer and wine licensees, restaurant retail liquor licensees, and club liquor licensees, and the employees or agents of such a person or establishment, to sell or serve alcoholic beverages for on-premises consumption, or to allow a patron, customer, member or guest to consume alcoholic beverages on the licensed premises, during the hours of 2:01 a.m. to 11:00 a.m. on Sunday, Monday, Tuesday, Wednesday, Thursday and Friday and during the hours of 3:01 a.m. to 11:00 a.m. on Saturday.

b. *On-premises; exemptions.* The prohibitions and limitations on hours of on-premises sales, service, operation and consumption, as set forth above, shall not apply to those persons or establishments operating pursuant to a special events retail license or to those persons or establishments operating pursuant to a club liquor license as of the date that the ordinance amending this section becomes effective and for so long as those persons or establishments maintain a club liquor license.

c. *Off-premises.* It shall be unlawful for any person or establishment licensed by the Alcoholic Beverage Control Board to sell or serve alcoholic beverages for off-premises consumption during the hours of 2:01 a.m. to 12:00 p.m. on Sunday.

(2) It shall be an offense for any person to violate the prohibitions and limitations on hours of sales, service, operation and consumption, as set forth above. Each offense shall be punishable by a fine not exceeding five hundred dollars (\$500.00).

(3) Nothing in this article shall be construed to infringe, abrogate, nullify or encroach on any right granted, or restriction imposed, pursuant to the functions, powers and duties of the Alcoholic Beverage Control Board or other applicable state law.

Section 2. This ordinance upon its adoption and publication as required by law shall become effective at 12:01 a.m. on the 12th day of June, 2017.

PASSED and ADOPTED this 5th day of June, 2017.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Jack Draper, Mayor

By: /s/ Jay W. Jenkins, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Harris made a motion for the passage and adoption of Ordinance Number 17-O-8 as reintroduced and read. The motion was seconded by Mayor Draper.

Council Member Little made a motion to table Ordinance Number 17-O-8. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Reddick and Little; nays: Council Members Jenkins, Harris and Draper. The motion failed.

Council Member Reddick stated this was not the time or place to enact this ordinance he stated. He stated they were trying to build downtown. He stated this is a case of the haves versus the have nots. He stated a rich white man behaved badly in the downtown bars and got hurt and now

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they were writing a law to put these clubs out of business. He stated they were saying working class women had no right to stand up for themselves. He stated this would not affect the country club where the wealthy could still go drink any time.

Mayor Draper stated that his stance on this ordinance has nothing to do with any single incident. He stated he not been aware that bars could be open in Anniston 24 hours a day and it did not seem to him that was a good public policy. He stated he could not see the reasoning for why it would be a good idea for bars to be open 24 hours a day in Anniston. He stated no single incident had led him to this conclusion but had brought it to light that the bars were open 24 hours. He stated he thought it was proper and fitting that the bars close at 2:00 a.m.

Council Member Harris stated that this ordinance had nothing to do with any individual or what they did or did not do. She stated the incident did shed light on the fact that there were no restrictions in this town. She stated this ordinance had nothing to do with a single incident or individual.

Council Member Little asked who prepared this ordinance.

Mr. Davis stated the City Attorney prepared this ordinance.

Council Member Little stated he was concerned about this ordinance and stated they were ready to deal with this ordinance but to not take care of the kids.

Council Member Reddick stated that Noble Street was in Wards 2 and 3. He stated they had taken away their votes on Main Street.

On call of the roll on Council Member Harris' motion for the passage and adoption of Ordinance Number 17-O-8 as reintroduced and read and Mayor Draper's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Harris and Draper; nays: Council Members Reddick and Little. The motion carried and Ordinance Number 17-O-8 was passed and adopted.

Kent Davis, City Manager, introduced and read Ordinance Number 17-O-9 as follows:

(17-O-9, amending the Council procedural ordinance)

Mayor Draper made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 17-O-9 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Little, Harris and Draper; nays: Council Member Reddick. The motion failed.

Kent Davis, City Manager, introduced and read Resolution Number 17-R-51 as follows:

(17-R-51, agreement with ALDOT for transfer, ownership and maintenance of a public road)

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Council Member Jenkins made a motion for the passage and adoption of Resolution Number 17-R-51 as introduced and read. The motion was seconded by Mayor Draper.

Council Member Little stated that this resolution was of a permanent nature and would require unanimous consent at this first reading.

Bruce Downey, City Attorney, stated this resolution was authorizing an agreement with the State to acquire an interest in property and he felt this resolution could be voted on this night.

Council Member Reddick made a motion to table Resolution Number 17-R-51. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Reddick and Little; nays: Council Members Jenkins, Harris and Draper. The motion failed.

Council Member Little stated it was not legal to vote on this resolution because it was of a permanent nature.

On call of the roll on Council Member Jenkins' motion for the passage and adoption of Resolution Number 17-R-51 as introduced and read and Mayor Draper's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Harris and Draper; nays: Council Members Reddick and Little. The motion carried and Resolution Number 17-R-51 was passed and adopted.

Kent Davis, City Manager, introduced and read Resolution Number 17-R-52 as follows:

(17-R-52, directing the City Manager to formulate a proposed agreement establishing the terms and conditions for the City's financial contribution towards the Anniston City School Technology Initiative)

Council Member Reddick made a motion for the passage and adoption of Resolution Number 17-R-52 as introduced and read. The motion was seconded by Council Member Little.

Council Member Harris stated she was not debating whether the students deserved to have lap tops. She stated that they obviously needed the laptops for the students. She stated she wanted to find all the funding possible for these students. She stated these lap tops could have already been paid for through the E-grants if they had been applied for the past three years. She stated she had spoken to school board members and they still have questions and so did she. She stated they needed to meet with the school board before they make this commitment. She stated they need to do this the right way.

Mayor Draper stated he appreciated this proposal from the Stewart Family Foundation. He stated that the resolution was to formulate a plan with the school board, the Stewart Family Foundation and others. He stated he felt it would be beneficial to meet with the school board. He stated the kids deserved this technology and it would be great for the school system and the city but he felt they should meet with the school board before they vote on the resolution.

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Donald Stewart addressed the Council and stated the vast majority of this money was coming from the Abnerthy Trust Fund. He stated this was a continuation of work begun in 2004 with fiber optics connecting the schools. He stated they would continue with 12 more miles of fiber optics connecting the Anniston, Wellborn and Saks school systems. He stated they would also provide one to one digital devices. He stated they would work it out with the City if they wanted to contribute \$200,000 or \$300,000 and with the school board. He stated they needed to move forward with this project. He stated they could not leave the kids behind in this digital age. He stated he would find money also to put in this project if he needed to.

Council Member Little stated they could not continue to nickel and dime the schools. He stated that they could find money for other things. He stated he wanted this resolution pass tonight. He stated Mr. Stewart was trying to help the schools. He stated the City could afford this \$600,000 to help the schools. He stated the public needs to see that they supported education and their children.

Mayor Draper made a motion to amend Resolution Number 17-R-52 to change the word “would” to “could” in the fourth and sixth paragraphs and to change all Stewart Family Foundation references to the Abernathy Trust. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Reddick made a motion for the passage and adoption of Resolution Number 17-R-52 as amended. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution Number 17-R-52 was passed and adopted.

Kent Davis, City Manager, introduced and read Resolution Number 17-R-53 as follows:

(17-R-53, declaring public nuisances Group 2017-01; grass lots)

Council Member Little stated the city has lots and rights of way that need cutting. He stated trees were growing around stop signs. He stated they needed to come up with a method to keep these areas cut.

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 17-R-53 as introduced and read. The motion was seconded by Mayor Draper; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution Number 17-R-53 was passed and adopted.

Mayor Draper made a motion for the unanimous consent of the Council to introduce and read by title Resolution Number 17-R-54. The motion was seconded by Council Member Harris.

Mayor Draper asked if anyone wished to address the Council either in favor of or in opposition to the introduction and reading by title of Resolution Number 17-R-54.

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No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Resolution Number 17-R-54.

On call of the roll on Mayor Draper's motion for the unanimous consent of the Council to introduce and read by title Resolution Number 17-R-54 and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Resolution Number 17-R-54, Kent Davis, City Manager, introduced and read by title Resolution Number 17-R-54 as follows:

(17-R-54, declaring public nuisances Group 2017-03; grass lots and debris)

Council Member Reddick made a motion for the passage and adoption of Resolution Number 17-R-54 as introduced and read by title. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution Number 17-R-54 was passed and adopted.

Council Member Little stated he was concerned about the City Manager and the op-ed piece he had written and published in the Anniston Star. He stated he did not agree with this kind of action by an employee of the City. He stated if there was concern with actions by the CDP then it should be addressed by the Council. He stated the law says they have a right to free speech but the law does not guarantee the right of a job.

Council Member Reddick thanked the Council.

Mayor Draper stated he felt Mr. Davis had the right to free speech as a private citizen and the op-ed piece was not written in his capacity as the City Manager.

Kent Davis stated that the First Amendment was part of the Bill of Rights and he had exercised his First Amendment Rights. He stated he worked for ten years at the CDP he felt qualified to address this situation.

Council Member Harris stated she supported Mr. Davis exercise of his First Amendment Rights and she appreciated his leadership.

There being no further business to come before the meeting at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 8:04 o'clock p.m.